

11/15/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-4046

JOAN M. DERRICK
HC2 BOX 549
POLLOCK ID 83547

ROBERT G DERRICK
HC 2 BOX 549
POLLOCK ID 83547

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-27-06 SIGNATURE: Robert G. Derrick
Please print your name: Robert G. Derrick

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

12/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4046

NAME AND ADDRESS: JOAN M. DERRICK
HC2 BOX 549
POLLOCK ID 83547

ROBERT G DERRICK
HC 2 BOX 549
POLLOCK ID 83547

SOURCE: LITTLE SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 05/01/1961

POINT OF DIVERSION:

T23N R01E S5 SWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T23N R01E S05 SWSE 1.0

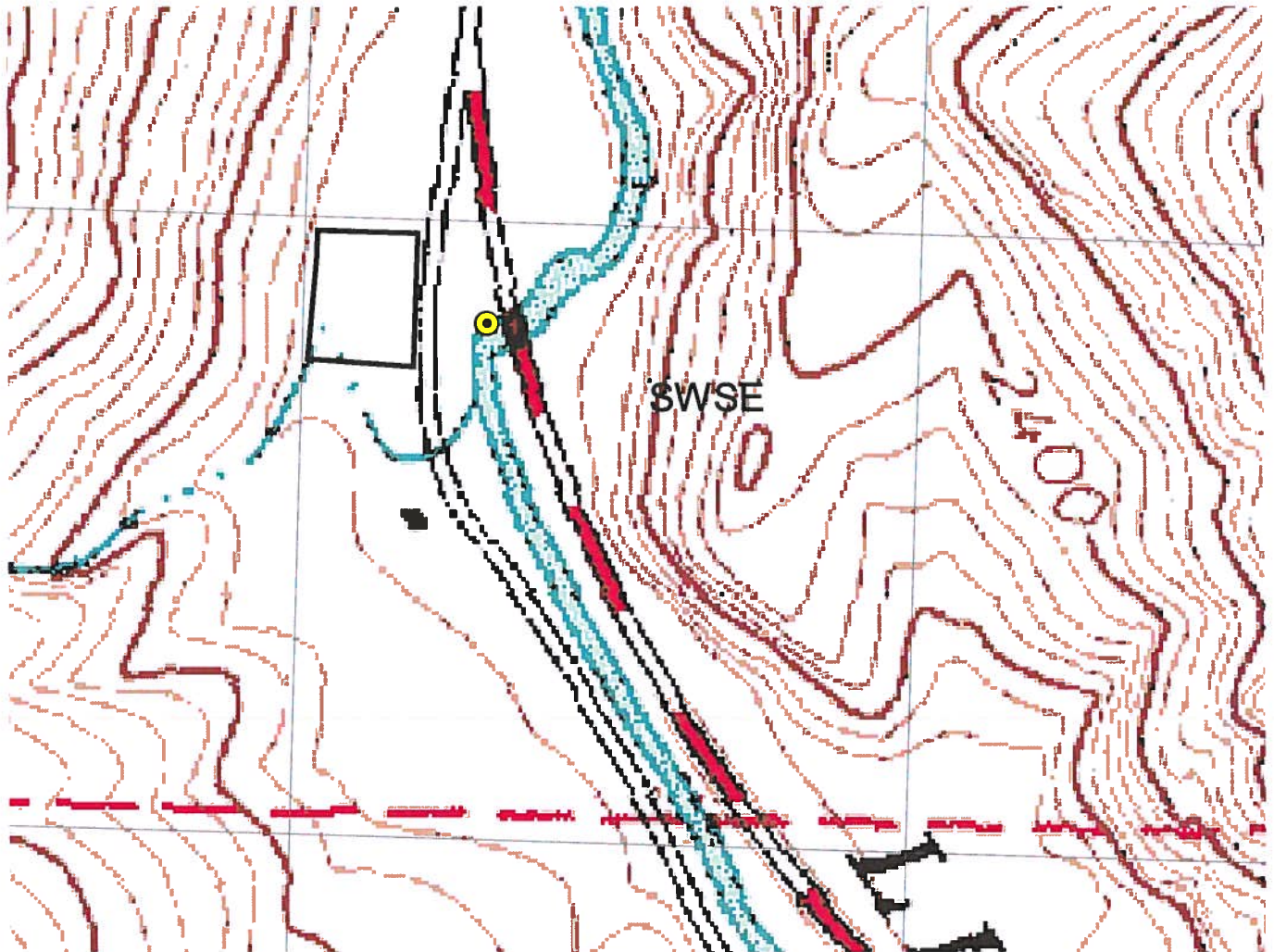
1 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-4046



0 200 400 Feet

Section 5
T23N R1E



● Point of Diversion

□ Place of Use

Map prepared on December 14, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 8, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT G. DERRICK &/OR
JOAN M. DERRICK
HC-2 BOX 549
POLLOCK ID 83547

RE: OWNERSHIP CHANGE for claims **A78-04046** & A78-10284

Dear Robert & Joan,

This office has reviewed the Notice of Change of Water Right Ownership form submitted to our office. This change in ownership appears to result in a splitting of both water rights. A split of the water right occurs when the ownership change affects any portion of the original claimed right. Thus, we cannot continue to process this ownership change until this is cleared up. We have to return the Notice of Change of Ownership until further proof can be shown that you are the single owners for the water rights you have indicated on the ownership form. The details are listed below:

I. DETAILS:

1. Your warranty deed appears to pertain to the lands claimed in the aforementioned claims as follows:

A78-04046:

- a. This claim is for irrigation in the SWSE for 1.6 acres & the NWSE for 1.0 acres, your warranty deed only shows ownership for the lands irrigated by this right in the SWSE.

A78-10284:

- b. This claim is for domestic use in the SWSE and stockwater use in the NESE. Your warranty deed appears to only show ownership in the SWSE for the domestic use.

II. OPTIONS:

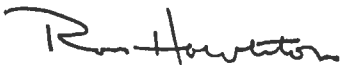
1. Since you have checked the no box on the ownership form, for the item questioning that this ownership change would not result in a split we require more proof that you are the single owners for these water rights.

2. If these rights are being split, please mark the yes box and line out the no box and initial and date the change. If you still believe that you are the single owners of these rights then please submit additional proof of ownership for the remaining portions for lands in the NWSE for irrigation and the NESE for stockwater. Enclosed is a computer copy of these claims to a right for your review.
3. Other?

Please complete the above item(s), if required, to include dating your signature line, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claims upon which this form was filed, will remain in the original owner's name.

FEEL FREE TO CONTACT ME IF YOU HAVE ANY QUESTIONS CONCERNING THIS LETTER.

Sincerely,



Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachments:

Original Notice of Change of Water Right Ownership Form (Must Be Returned)
Copy of your Warranty Deed
Map copy showing locations of: Irrigation, Domestic & Stock.
Copy of map found in claim A78-04046 showing location of irrigation.
Computer generated claims for these rights.

CC: Michael & Donna Medley

WARRANTY DEED ANALYSIS SHEET

Analysis by: Ron Howerton

Date: July 8, 1996

WATER RIGHTS: A78-04046 & A78-10284

OWNERSHIP

MORTGAGE HOLDERS

MEDLEY'S - (Original Grantors)
(Warranty Deed)

↓

Sold to:

↓

PETERS & COX (Grantors) ⇒
(Warranty Deed)

⇒

Medley's hold DEED OF TRUST
(Normally held by bank)

↓

Sold to:

↓

↓

DERRICK'S (Grantees) ⇒
(Warranty Deed)

⇒

Assumed Medley's DEED OF TRUST

↓

(If default then:)

↓

↓

IDAHO COUNTY TITLE CO ←
(Holds deed of trust)

←

←

←

↓

Warranty Deed back to:

↓

MEDLEY
(Beneficiaries)

(KESSLER CREEK)

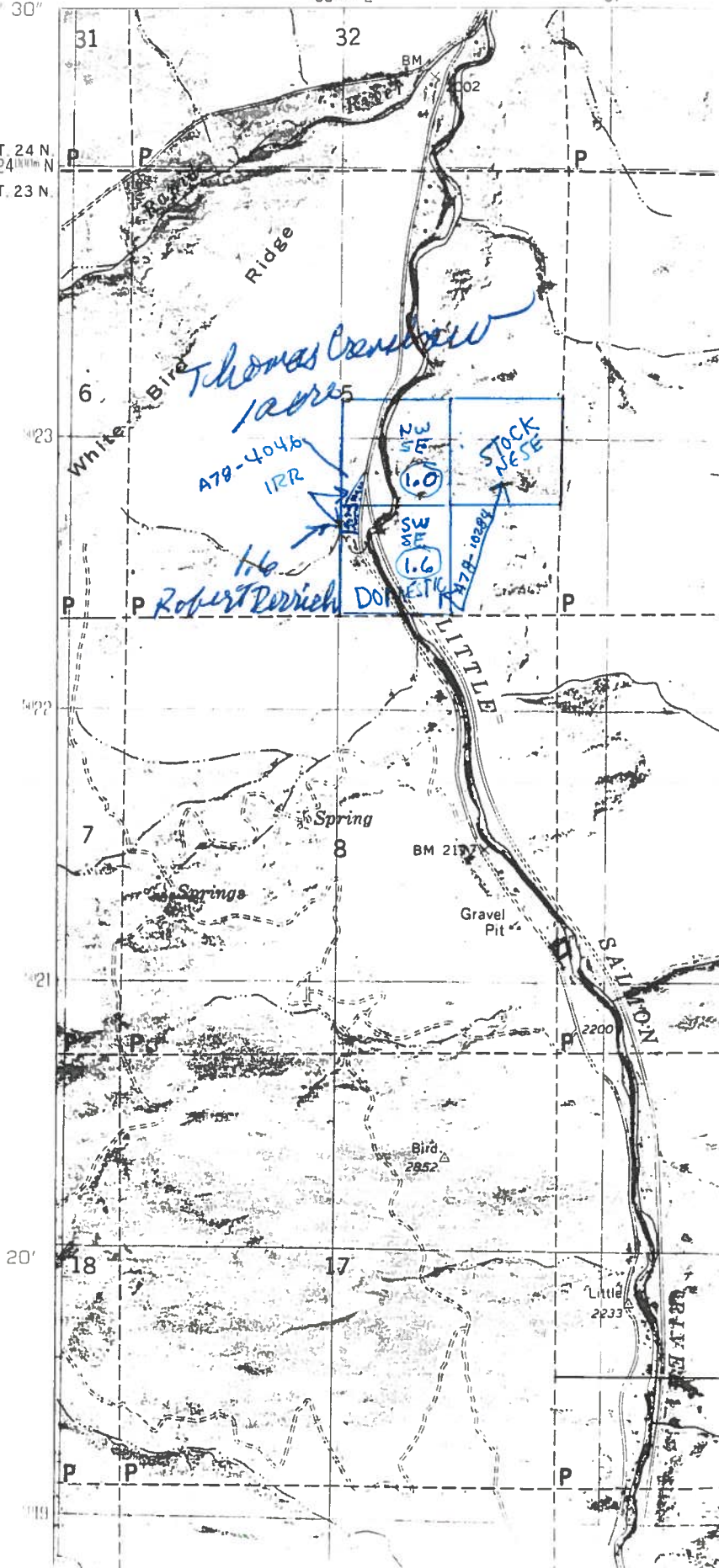
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

116° 22' 30"
45° 22' 30"

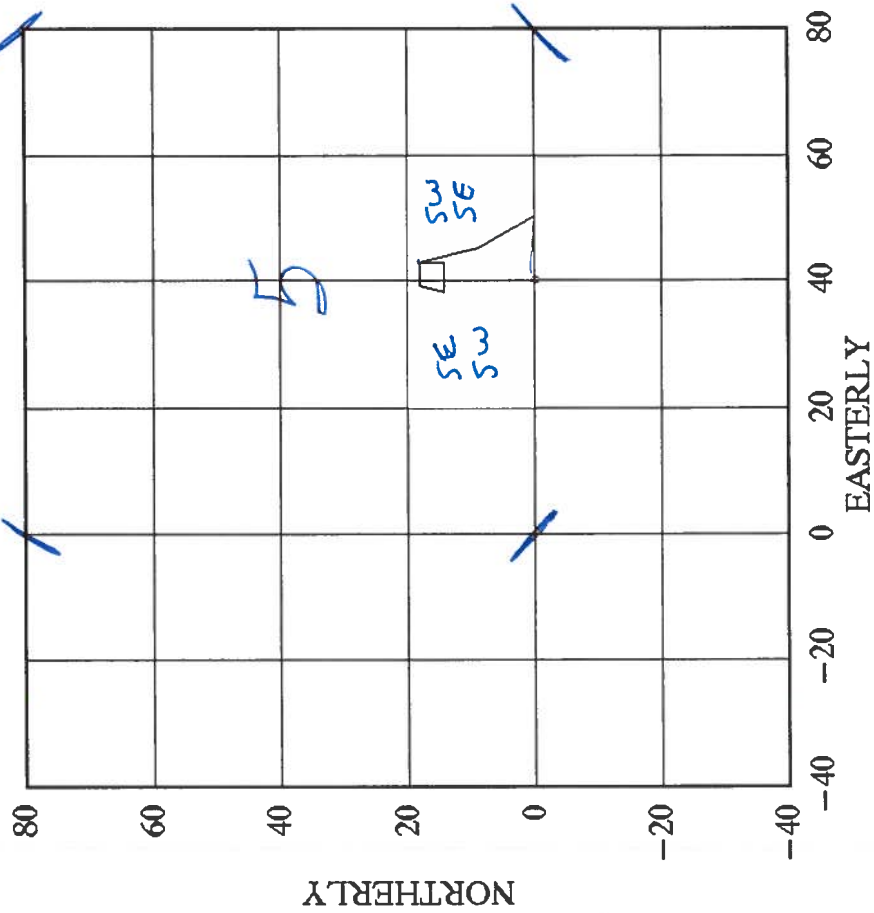
50000m E

51

T. 24 N.
T. 23 N.



PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		
40.00	0.00					
50.25	0.00	90.00	0.00	0.00	NE	676.40
45.26	8.73	29.00	46.00	0.00	NW	663.70
42.88	17.89	14.00	34.00	0.00	NW	624.50
39.24	17.94	89.00	6.00	0.00	NW	239.70
38.17	14.16	15.00	54.00	0.00	SW	259.90
42.82	14.09	89.00	11.00	0.00	SE	307.10
42.88	17.88	0.00	54.00	0.00	NE	250.00



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 8/22/94

RECEIVED

JUN 26 1995

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 23N Range 01E
Section 5, 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR:

A78-10284 + A78-04046

[] Name and Address of Former Owner/Claimant(s)(Seller): MICHAEL C. OR DONNA MEDLEY Box 413 Riggins ID 83549

→ EVAN F. PETERS + EVELYN COX Box 409 Riggins ID 83549

Property purchased with change of ownership by Evans + Cox from Medley's

[] New Owner/Claimant (Purchaser):

ROBERT G. & OR JOAN M. DERRICK

[] New Mailing Address:

HC-2 Box 549

POLLOCK, IDAHO 83547

[] New Telephone Number:

(208) 628 - 3511

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes & no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached:

WARRANTY DEED FILED IN IDAHO COUNTY, IDAHO

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s)

Robert Derrick & Joan M. Derrick

Date

Date

[] Signature of Former Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

376053

RECEIVED

JUN 26 1995

WATER RESOURCES
WESTERN REGION

FILED
ADAMS

WARRANTY DEED

THIS INDENTURE, made on this 22nd day of August, 1994, by and between EVAN F. PETERS, a single man, and EVELYN V. COX, a single woman, as Tenants in Common, of P. O. Box 409, Riggins, Idaho 83549, hereinafter referred to as the Grantors, and ROBERT G. DERRICK and JOAN M. DERRICK, husband and wife, of HCR2, Box 549, Pollock, Idaho 83547, hereinafter referred to as the Grantees.

WITNESSETH:

That, the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantees, their heirs and assigns forever, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

Tax No. 32 more particularly described as follows:
Beginning at the Quarter-section corner on the South boundary of Section 5, Township 23 North, Range 1 East, Boise Meridian, and running thence East along the Section line a distance of 676.4 feet to a point on the Westerly boundary of the right of way of Highway 95 as established November 18, 1960;
thence North 29°46' West along said right of way boundary a distance of 663.7 feet to the Northeasterly corner of the Harold Stock tract;
thence North 14°34' West a distance of 624.5 feet to a point on the Westerly boundary of the aforesaid Highway 95 right of way which is the real point of beginning;
thence North 89°06' West a distance of 239.7 feet;
thence South 15°54' West a distance of 259.9 feet;
thence South 89°11' East a distance of 307.1 feet more or less to a point on the Westerly boundary of the aforesaid Highway 95 right of way;
thence North 0°54' East a distance of 250.0 feet to the real point of beginning.

SUBJECT TO, that certain Deed of Trust, dated March 4, 1992, and recorded on March 4, 1992, as Instrument No. 362441, wherein EVAN F. PETERS and EVELYN V. COX, both single persons, were Grantors, with IDAHO COUNTY TITLE COMPANY, INC., being the Trustee, nad MICHAEL CLINTON MEDLEY and DONNA C. MEDLEY, being the Beneficiaries, to secure original indebted amount of \$37,500, WHICH DEED OF TRUST AND UNDERLYING OBLIGATION THE GRANTORS AGREE TO ASSUME AND PAY IN ALL RESPECTS.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining,

WARRANTY DEED

the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments and incumbrances of whatever kind or nature whatsoever, EXCEPT:

(a) General taxes for the year 1994, which are a lien, not yet due and payable;

(b) Reservations as set forth in Patent, including the terms and conditions thereof, by and between THE UNITED STATES OF AMERICA to JAMES C. HOLLENBEAK, recorded September 10, 1929, in Book 58, page 33, records of Idaho County, Idaho, as follows: "Excepting and reserving, however, to the United States all the coal and other minerals in the land so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations

of the Act of December 29, 1916 (39 Stat., 862)" Patent No. 986911;

(c) Easement, including the terms and conditions thereof, by and between MARY B. SHEPHARD, Grantor, and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., Grantee, recorded September 3, 1932, in Book 60, page 450, records of Idaho County, Idaho;

(d) Contract for Sale of Mineral Rights, including the terms and conditions thereof, by and between MARY B. SHEPPARD, party of the first part, and F. G. HIGGINS and BEN CHANCE, parties of the second part, recorded November 4, 1934, under Instrument NO. 106663, in Book 62, page 49, records of Idaho County, Idaho;

(e) Subject to Restrictions as set forth in Warranty Deed, including the terms and conditions thereof, by and between CLARK COX and BEULAH COX, his wife, first parties, and THE STATE OF IDAHO, second party, recorded August 24, 1959, under Instrument No. 198958, in Book 93, page 222, records of Idaho County, Idaho;

(f) Subject to Restrictions as set forth in Quitclaim Deed, including the terms and conditions thereof, by and between CLARK COX and BEULAH COX, his wife, parties of the first part, and THE STATE OF IDAHO, party of the second part, recorded April 18, 1960, under Instrument No. 201296, in Book 94, page 38, records of Idaho County, Idaho;

(g) Power Line Easement, including the terms and conditions thereof, by and between CLARK COX and BEULAH COX, husband and wife, Grantors, and IDAHO POWER COMPANY, a corporation, Grantee, recorded August 25, 1960, under Instrument No. 202622, in Book 94, page 328, records of Idaho County, Idaho;

(h) Power Line Easement, including the terms and conditions thereof, by and between EVAN F. PETERS and EVELYN COX, Grantors, and IDAHO POWER COMPANY, a corporation, recorded November 2, 1992, under Instrument No. 365960, records of Idaho County, Idaho;

(i) Temporary Agreement Concerning Water, including the terms and conditions thereof, by and between EVAN F. PETERS, and EVELYN V. COX, single persons, Owners, and THOMAS C. BURROUGH, a single man, Buyer, recorded October 25, 1993, under Instrument No. 371256, records of Idaho County, Idaho;

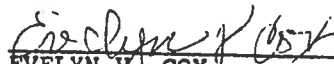
(j) That certain Deed of Trust, earlier referred to;

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That, this deed is given by Grantors to Grantees, not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

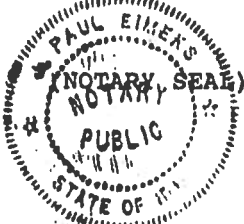

EVAN F. PETERS


EVELYN V. COX

STATE OF IDAHO)
County of Idaho) SS

On this 22nd day of August, 1994, before me, a Notary Public, in and for said County and State, personally appeared EVAN F. PETERS, a single person, known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

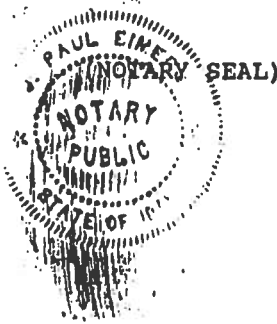


J. Paul Eimer
Notary Public for the State of Idaho,
Residing at Grangerville, therein.
My Commission expires 6-24-99.

STATE OF IDAHO)
County of Idaho) SS

On this 22nd day of August, 1993, before me, a Notary Public, in and for said County and State, personally appeared EVELYN V. COX, a single person, known to me to be the person whose name is subscribed to the within instrument, and she acknowledged to me that she freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

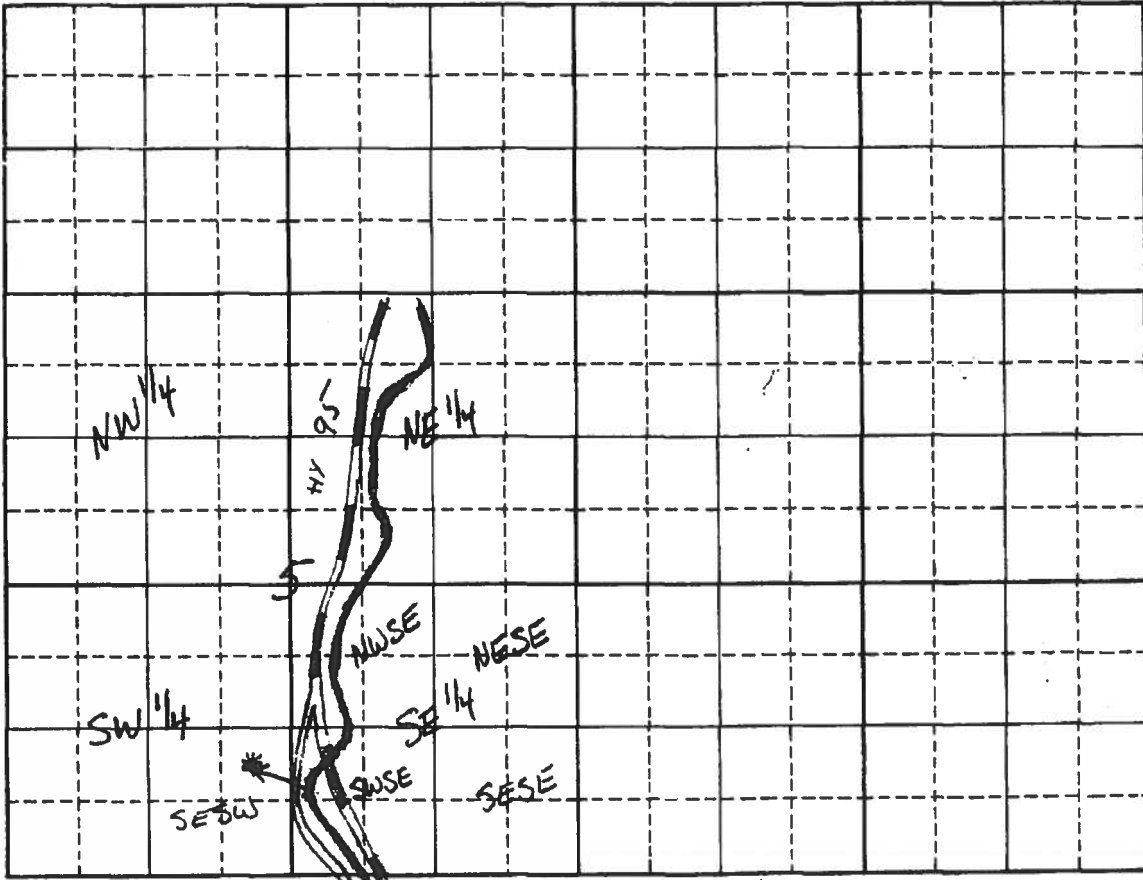


J. Paul Eimer
Notary Public for the State of Idaho,
Residing at Grangerville, therein.
My Commission expires 6-24-99.

STATE OF IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at 55 minutes past 7 o'clock	P. M.
this 22 day of Aug	19 94
ROSE E. GEHRING	
B. Edith L. Anderson	Recorder
Deputy	
Page 5 129	



(8) Remarks



Scale: 2 inches equal 1 mile.

* Point of DIVERSION & PLACE OF USE

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of Idaho

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Addie Francis
(Claimant)

Sworn to before me this 18th day of October, 19 73

Shelley M. Heath
Notary Public
Residing at Reggio

My commission expires

May 16, 1976

For Department Use Only

Received by <u>mt</u>	Date <u>10-19-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	Date		claimant by:	
\$10.00 fee received by	Date			
Approved for publication by				
Published in <u>Idaho County Free Press</u>				
Dates <u>Oct. 31, Nov. 2, 1973</u>				

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A78-04046
Date Received: 7/05/1988
Receipt No: N 492
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL C. MEDLEY
Address: BOX 413
RIGGINS, ID

83549

OR
Name: DONNA MEDLEY
Address: BOX 413
RIGGINS, ID

83549

208-628-3365

208-628-3365

2. Date of Priority: MAY 01, 1961

3. Source: LITTLE SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	5	SW	SE			IDAHO

5. Description of diverting works:
4HP PUMP, 2" SUCTION PIPELINE FROM RIVER TO PUMP =15' THEN ---

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	11/15	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 7.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	5	NW	SE		IRR	1.0
			SW	SE		IRR	1.6
Section Acres							2.6
Total Acres							2.6

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
78-4046

14. Remarks:
15' PIPELINE FROM RIVER TO PUMP. TOTAL LENGTH OF PIPELINE=580'.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 784046

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Michael L. Medley Date: 7-5-88
Donna C. Medley Date: 7-5-88

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of July 19 88 Hayden A. Wagner
Notary Public

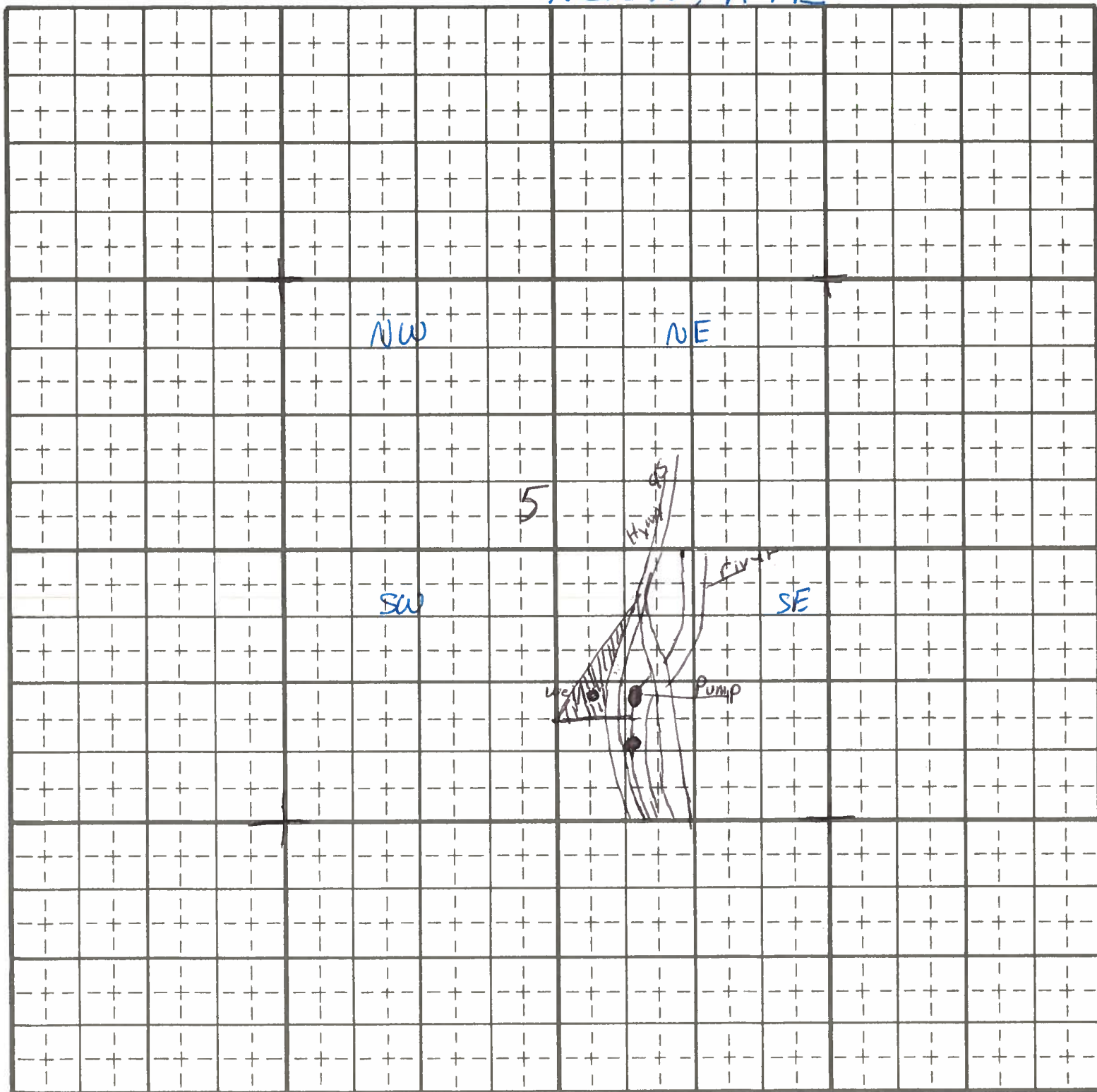
Seal

Residing at Biggins
My Commission Expires 4-1-92

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 23 N, R 1 E



MICROFILMED

OCT 05 1992

Last Name

Medley

Ident No.

Copies: White-State, Yellow-Clamman

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Medley, Michael

CLAIM IDENT. NO.

978-04046

DATE RECEIVED

CK #

AMOUNT \$

YES

NO

1. Is the name and address complete with zip code?

☒☐

2. Is priority date entered?

☒☐

Is the water use exempt from Permit requirements? A Permit is required for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd). A Permit is required for surface water developed after May 20, 1971 (except for instream stockwater).

3. (a) Is a source entered?

☒☐

(b) Is a tributary to entered? (if required)

☒☐

4. Is the legal description of the p.d. complete?

☒☐

5. Is there a description of the diverting works?

☒☐

6. Are the water uses appropriate for the form? The short form limited to domestic and stockwater. Instream stockwater must use long form.

☒☐

Is the period of use included?

☒☐

Is a quantity claimed for each use?

☒☐

7. Is a total quantity claimed entered?

☒☐

8. Is a consumptive use required?

☒☐

If required is a consumptive use entered?

☐☒

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.

☒☐

10. Is (are) the place(s) of use entered?

☒☐

11. Is (are) the county(ies) entered?

☒☐

12. Is the ownership of p.u. checked?

☒☐

13. Are other water rights listed or "none" checked?

☒☐

14. Are remarks required? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

☒☐

15. Is the basis of the claim checked?

☒☐

16. Is the claim signed by the claimant?

☒☐

Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

☒☐

Has the claim been signed, sealed, and dated by a notary?

☒☐

Is the fee enclosed correct?

☐☐

Should this claim be receipted and data entered?

☐☒

If this claim is based on an existing water right, has the identification number been entered?

☐☐

Revised 6-27-88

Claim checked by:

LW

Comments:

And consumptive use

MICROFILMED

OCT 05 1992